

Remarks

This amendment responds to the official action mailed November 1, 2006, and includes a petition for extension under 37 C.F.R. §1.136(a) and the required official fee.

In the official action, objection was made to the drawings for lack of illustration of claimed features or for missing reference numbers from the description. Applicant submits corrected drawing sheets to overcome the objections as to aspects that are not shown in the drawings, and points out support in the drawings for certain aspects that are indeed shown.

The objections to the drawings as to claims 2, 9 and 13 are seen to be unwarranted if one appreciates that in the illustrated embodiment, the wall-mounting arm 5 is a hollow structure that supplies water to the additional shower fixtures 11 (see last paragraph of page 5), whereas the water supply to the shower head 8 is provided by a hose 10 that is shown in Fig. 1 (although discontinuously) connecting the shower head 8 to the base 2. This aspect is discussed at page 5, lines 20-22.

Regarding claim 2, the respective water supplies to the shower head 8 and to the additional shower fixtures 11 are indeed shown to be independent, one such water supply being the hose 10 to the removable hand shower 8 and the other being the hollow of the arm 5 in the illustrated embodiment. Regarding claim 9 the additional shower fixtures 11 as shown all have a common water supply conduit, namely arm 5. The connection of the arm 5 to the water supply traverses the pivoting connection (formerly termed a linkage) between the arm 5 and the mounting fixture or "console" 3, which is clear from the fact that hose 10 to shower head 8 and arm 5 to additional shower fixtures 11 both emanate from the console 3. Furthermore, in the embodiment shown in Fig. 2, a coupling is shown that bypasses the pivoting joint between arm 5 and console 3 can be seen on the right side of console 3 in the vicinity of the pivot axis. Applicant requests reconsideration and retraction of the objections on these grounds.

Regarding the lack of an illustration of quick connect couplers as such, claim 11 has been canceled, without prejudice. Regarding illustration of a pivot axis, the original illustration in Fig. 2 has aligned protrusions that in conjunction with the specification can be seen to define the ends of a pivot axis. Applicant proposes to add a dashed line and to label the pivot axis. The term "linkage," which might be construed as a multi-part mechanism, has been canceled from claim 12, which now generally recites a pivotal connection. These changes resolve each of the matters noted. No new matter is presented.

With respect to reference numbers, number 3 at page 5, line 9 refers to the console 3, which number already appears in Fig. 2. Number 4, for the protrusion of console 3, mentioned at page 5, line 12, is to be added to Fig. 3 identifying the only part of console 3 that protrudes. No new matter is presented. The receptacle 13 for the shower head 8, mentioned at page 6, line 6, and the tips 12 of the tines 14 of the arm 5, are to be added to Fig. 2. These also are shown to identify the parts to which the respective terms clearly refer. The objections to the drawings are thus obviated. No new matter is presented.

Claims 2, 12-13 and 16-17 were considered indefinite for use of certain phrases, namely "can be" in claim 2 (arguably tentative); "linkage" in claims 12-13 (not apt for the disclosed structure); "the shower head" in claims 2, 16, 17 (antecedent basis); and "the water conduit" in claim 13 (antecedent basis).

Claim 1 as amended includes subject matter from original claims 1, 2, 16 and 17. The terms regarded as indefinite have been corrected where warranted. The tentative limitation from claim 2 is now stated positively. The pivoting connection of arm 5 to console 3 is no longer termed a linkage (although it is consistent with the disclosure to say that these parts are pivotally linked to one another).

Regarding claims, 2, 16 and 17, the examiner appears to have equated the claimed shower head with the additional shower fixtures, when these terms refer to distinct structures in the disclosure and claims. Thus the official position that there is no antecedent basis for the shower head (because the claim is considered to refer to the

additional shower fixtures) is an erroneous conclusion. It is an aspect of the invention that the shower arm 5 of the invention has attached additional shower fixtures 11 that are coupled to the arm and emit water, and also a receptacle for a removable hand-held shower head 8, coupled to the water supply by a hose 10 that is different from the supply to the additional fixtures 11.

There is clear antecedent basis ("a shower head") in the body of claim 1 at line 5, and also in the preamble. The shower head is not the same as the additional shower fixtures. Inasmuch as the disclosed presence of a shower head and additional shower fixtures seems to have been overlooked or misinterpreted, applicant requests reconsideration of the objections and rejections under 35 U.S.C. §§112, 102 and 103. Applicant requests allowance for the reasons stated herein, or a new and non-final official action if the application is not allowed, based on the subject matter disclosed and claimed.

The claims also have been amended to more particularly and distinctly define the subject matter of the invention and better to distinguish over the prior art of record. The rejections for anticipation under 35 U.S.C. §102 are unwarranted because there is no disclosure whatsoever in the prior art of an arrangement wherein a mounting arm on which a hose-coupled shower head is detachably placed, also carries additional shower fixtures that emit water onto the user independently of the hose-coupled removable shower head. There is no basis to conclude that the invention lacks novelty as claimed. There is no suggestion in the prior art that it would be possible or beneficial to modify the prior art shower arrangements to meet applicant's invention claimed as a whole. The claims are therefore allowable over the prior art.

Claims 1-8, 10, 12-15 and 17 were rejected as anticipated by Gransow (US 6,442,775). However the rejection is based on an erroneous conclusion that Gransow's two shower heads 4a, 4b, both of which are permanently mounted on and supplied with water through the same tube 2, correspond to applicant's shower head 8 and additional shower fixtures 11. Gransow's disclosure does not meet the invention claimed as a whole, lacking aspects that are particularly claimed. Nor does Gransow

provide any suggestion or incentive that might lead a person of ordinary skill to modify the Gransow shower in any way pertinent to applicant's claimed invention.

In Gransow, there are two shower heads, but both are fixtures that are permanently attached to tube 2 and coupled in parallel to tube 2 as their common water supply. The official action curiously interprets the claim requirement for supply of water to applicant's shower head "independently" of the supply to additional fixtures as met by Gransow's two shower heads coupled to the same supply line (tube 2). The examiner's interpretation of the aspect of "independent" water supply in that way is overbroad. The claimed aspect of independent supply of water is clear and precise: There are independent supplies of water to the shower head versus the additional fixtures. This aspect is not found in Gransow, which has a common supply (tube 2) for both shower heads 2a and 2b.

Referring to applicant's disclosed embodiments, the additional shower fixtures 11 are commonly supplied by arm 5, which comprises a hollow water supply conduit. Shower head 8 is supplied by hose 10, which is independent of the supply to additional fixtures 11 through the conduit of arm 5.

In other respects, the rejection of the claims as anticipated by Gransow seizes on aspects of Gransow that fail to add up to the invention defined in the amended claims as a whole. Gransow has no receptacle for a detachable shower head. The so-called receptacle identified in the official action is the permanent mounting of Gransow's shower head to the common supply tube 2. Detaching the shower head from such a receptacle would not be possible or obvious, at least without gushing water from the unoccupied opening to the supply tube 2. Gransow has no receptacle for a detachable shower head, and no independent water supply.

For the foregoing reasons, the rejection over Gransow under 35 U.S.C. §102 is unwarranted. Reconsideration and withdrawal of the rejection are requested.

Claims 11 and 16 were rejected as anticipated by Mueller (WO 00/39410). These claims have been canceled, without prejudice. However the detachable coupling

of applicant's shower head 8 to the arm 5 is an aspect that appears in claim 1. Mueller does not disclose or suggest the invention defined in claim 1 as a whole.

The teachings of Mueller involve ways to affix a hose coupled shower head to the wall of the shower stall. Mueller teaches away from providing an adjustable arm on which a hand shower can be placed and operated in conjunction with additional shower fixtures that are permanently provided on the arm and coupled to an independent supply of water. Mueller lacks any sort of adjustable arm. The provision of a suction cup attachment at the end of a hose in Mueller would not teach or suggest to a person of ordinary skill that the shower head at the end of the hose could be detachably and adjustably mounted on the end of an arm (thus improving on the function of Mueller's rigidly fixed shower head 28).

The statement in the official action that the threaded pipe coupling 76 shown in Mueller is an adjustable supporting arm, is unwarranted. There is no adjustment disclosed or suggested by a pipe coupling. Either the thread are snug or the attachment leaks. Furthermore, there is nothing analogous to an arm in Mueller. The structure in Mueller, namely a wall suction cup, is mutually exclusive with an arm. Reconsideration and withdrawal of the rejection are requested.

Claim 9 was rejected under 35 U.S.C. §103 over Gransow. Reconsideration is requested. There is no incentive or objective teachings evident in Gransow for why the person of ordinary skill would or could reconfigure Gransow's two-nozzle wall shower so as to provide a detachable hand shower receptacle on an adjustable arm, additional fixtures on the arm, and independent water supplies for the shower and the additional fixtures, respectively. It is only with a knowledge of applicant's invention that one can point to changes to Gransow that might more nearly approach applicant's invention. But to make such changes is to import both structures and functions that Gransow lacks, and that cannot be dismissed as obvious.

Gransow does not teach an adjustable mounting for a hand shower. The routine reason for having a hand shower is to manually adjust the placement and orientation of the shower jet spray. Thus an adjustable arm would appear to be redundant for a hand

shower. Assuming that the person of ordinary skill decided to replace Gransow's adjustable arm shower arrangement with a hand shower, then the only routine step would be to replace both of Gransow's commonly supplied independently aimed shower heads with the hand shower. There is nothing in Gransow to suggest that it would be possible or desirable to replace one of Gransow's shower heads with a hand shower and to leave the other shower head as it is. Even assuming that the person of ordinary skill replaced one of Gransow's shower heads and not the other (and we are already deeply into hindsight), there is no suggest in Gransow of how or why to provide independent water supplies to the two different shower heads.

In short, there is no objective teaching and no incentive provided by the routine teachings of the references or by any reasoned statement of record, to support the proposition that it would be routine or obvious to make the several changes to Gransow needed to approach applicant's invention claimed as a whole.

The claims have been amended to correct matters of form and aspects considered indefinite. The claims have also been amended to more clearly distinguish over the prior art. The differences between the invention and the prior art are such that the subject matter claimed as a whole is not shown to have been known or obvious. Reconsideration and allowance of pending claims 1, 3-10 and 12-15 are requested.

Respectfully submitted,

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#4 – protrusion
of console 3
p. 5, line 12

